

**AFFIDAVIT**

1. I, Thomas Strode, being duly sworn, deposes and says that he is a Special Federal Officer (SFO) with the Federal Bureau of Investigation (FBI) and a Detective with the Saint Louis Metropolitan Police Department (SLMPD), duly appointed according to law and acting as such.

2. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and I am empowered by law to conduct investigations of and to make arrests for the offenses enumerated in Title 18, United States Code, Section 2516.

3. I have been employed as a Police Officer with the St. Louis Metropolitan Police Department (SLMPD) since March of 2009, and for approximately the past year, I have been assigned as a member of a joint FBI/DEA Task Force, targeting gangs and violent criminals. Prior to this assignment, I have also been assigned to various other units within the SLMPD, including the Violent Offenders Division and Special Operations Division. During the course of my law enforcement experience, I have participated in numerous drug investigations, which have resulted in the seizure of heroin, fentanyl, cocaine, marijuana, and other controlled substances. I have participated in investigations that led to the seizure of illegal weapons and assets derived from the sale of illegal drugs, and the subsequent felony arrests of those individuals involved. I am familiar with and have utilized normal methods of investigation, including, but not limited to, visual surveillance; questioning of witnesses; the use of search and arrest warrants; the use of informants; the use of pen registers; the analysis of telephone toll data; the utilization of undercover agents; and the

use of court authorized wire intercepts. I continually receive training in these and other law enforcement issues in accordance with my position.

4. This affidavit is not intended to be a complete and detailed description of all of the facts and evidence discovered during this investigation. I have set forth only the information that I believe is necessary to establish the required foundation for the issuance of the seizure warrant requested. Information in this affidavit is based upon my own investigation and that of other experienced law enforcement investigators with whom I am working. As part of the investigation described in this affidavit, I have reviewed public records and talked with or reviewed reports of other law enforcement investigators.

**Property to Be Seized:**

5. This affidavit is made in support of an application for a warrant to seize the following property:

- (a) \$12,528 in United States currency;
- (b) Palmetto rifle, serial number HP044351; and
- (c) Numerous firearm magazines and various caliber and quantity of ammunition.

6. The facts in this affidavit establish probable cause to believe the above-described property is subject to seizure and forfeiture under both civil and criminal authorities.

7. The above described property is currently in the custody of the St. Louis Metropolitan Police Department.

**Legal Framework:**

8. The proceeds of drug offenses are subject to forfeiture under both civil and criminal forfeiture authorities. Pursuant to 21 U.S.C. § 881(a)(6), "all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by

any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of [the Controlled Substances Act]” are subject to civil forfeiture. In addition, pursuant to 21 U.S.C. § 853(a)(1), any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of a drug violation are subject to criminal forfeiture.

9. A firearm that is used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances is subject to civil forfeiture pursuant to 21 U.S.C. § 881(a)(11). In addition, pursuant to 21 U.S.C. § 853(a)(2), any property used, or intended to be used, in any manner or party, to commit, or to facilitate the commission of, a violation of the Controlled Substance Act is subject to criminal forfeiture.

10. Firearms and ammunition are subject to seizure and criminal forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461 as being involved in or used in any knowing violation of 18 U.S.C. § 922(g).

11. This application seeks a seizure warrant under both civil and criminal authority because the property to be seized could be placed beyond process if not seized by warrant.

12. Pursuant to 18 U.S.C. § 981(b) and 21 U.S.C. § 881(b), property subject to civil forfeiture may be seized by a civil seizure warrant issued by a judicial officer “in any district in which a forfeiture action against the property may be filed,” and may be executed “in any district in which the property is found,” if there is probable cause to believe the property is subject to forfeiture. A civil forfeiture action may be brought in any district where “acts or omissions giving rise to the forfeiture occurred.” 28 U.S.C.

§ 1355(b)(1)(A). As detailed below, acts or omissions under investigation occurred in the Eastern District of Missouri. 21 U.S.C. § 853(f) provides authority for the issuance of a seizure warrant for property subject to criminal forfeiture.

13. Based on the foregoing, the issuance of this seizure warrant is authorized under 21 U.S.C. § 853(f) for criminal forfeiture; and 18 U.S.C. § 981(b) for civil forfeiture. Notwithstanding the provisions of Rule 41(a) of the Federal Rules of Criminal Procedure, the issuance of this seizure warrant in this district is appropriate under 18 U.S.C. § 981(b)(3) and 28 U.S.C. § 1355(b)(1) because acts or omissions giving rise to the forfeiture occurred in the Eastern District of Missouri.

**Subject of Investigation:**

14. Durrell B. JOHNSON is a 33 year-old St. Louis, Missouri resident who has been arrested and convicted for numerous offenses including resisting arrest, theft, receiving stolen property, assault, armed criminal action, and possession of a controlled substance.

15. On September 17, 2004, JOHNSON was convicted of one felony count of resisting arrest, one felony count of theft over \$500, and six felony counts of receiving stolen property in the 22<sup>nd</sup> Judicial Circuit Court, St. Louis, Missouri. JOHNSON was sentenced to four years of prison.

16. On October 28, 2008, JOHNSON was convicted of two felony counts of first degree assault and two felony counts of armed criminal action in the 22<sup>nd</sup> Judicial Circuit Court, St. Louis, Missouri. JOHNSON was sentenced to a total of 14 years.

17. On October 25, 2017, JOHNSON was convicted of one count of possession of a controlled substance in the 22<sup>nd</sup> Judicial Circuit Court, St. Louis, Missouri. JOHNSON was sentenced to two years in prison.

**Investigation Summary:**

18. On February 8, 2019, St. Louis Metropolitan Police Department officers responded to an incident of individual(s) making numerous hand-to-hand suspected narcotic sales conducted from a dark colored sport utility vehicle parked at [REDACTED] in St. Louis, Missouri. After an initial pass by the vehicle in question, the occupants exited the vehicle and stood in front of the residence located at [REDACTED] in St. Louis, Missouri. The responding officers then conducted an investigative stop of the vehicle and occupants based on the previous information they had received and their observations. As officers approached the individuals standing in front the residence, they observed JOHNSON, the driver of the vehicle, handing a backpack to a female who resided at [REDACTED]

19. An officer knocked on the door of [REDACTED] and this same female answered. When questioned, the female claimed she did not know the occupants of the suspect vehicle; however, the female consented to turn over the backpack to the officer. An inspection of the backpack revealed it contained a large vacuum-sealed plastic bag containing of marijuana, one large plastic bag containing marijuana, five knotted bags containing marijuana, a box of plastic bags, and a digital scale.

20. Based on this information, officers arrested JOHNSON and the female resident of [REDACTED]. Both individuals were advised of their *Miranda* rights and both stated they understood their rights. During the search of JOHNSON incident to arrest, \$6,013.00 in US currency was found on his person.

21. On March 11, 2019, JOHNSON was the victim of a first-degree assault that occurred near the intersection of 16th Street and Cochran Place in St. Louis City. During this incident, JOHNSON was shot in the leg. This police report listed the address of 1513

Agnes Street in St. Louis, Missouri as being the home address of JOHNSON and his wife, Flora Johnson.

22. In May 2019, investigators with the St. Louis Metropolitan Police Department Intelligence Division conducted an investigation into JOHNSON for active felony warrants relating to delivery of a controlled substance and a parole violation. The warrant for delivery of a controlled substance stemmed from the February 8, 2019 arrest of JOHNSON, further described above.

23. The St. Louis Metropolitan Police Department Intelligence Division began monitoring JOHNSON's Facebook social media account, which is listed under the Facebook name "Loc Dub." JOHNSON utilized the "Facebook Live" feature in his social media account. This feature allows the user to stream a live video of themselves, while other Facebook users watch and interact with that person. These broadcasts are then often recorded and placed on the Facebook page of the user who utilizes the feature.

24. On June 3, 2019, JOHNSON began streaming via the Facebook Live feature. A short time into the broadcast, JOHNSON leaves the room and returns holding an assault rifle style firearm. JOHNSON holds the firearm during the broadcast for a brief period of time and then removes the firearm from the room. As the Facebook Live broadcast continues, JOHNSON retrieves a plastic bag, which contains a green vegetative substance suspected to be marijuana. JOHNSON takes a portion of this green vegetative substance from the bag and rolls it into brown cigar paper. This is common for individuals to do who are going to smoke marijuana and is often referred to as, "rolling a blunt." JOHNSON then smokes the suspected marijuana cigar. Later in the broadcast, JOHNSON flashes a large amount of US currency.

25. During the week of June 3, 2019, surveillance was conducted at the residence located at 1513 Agnes Street in St. Louis, Missouri. During this surveillance, a subject matching the description of JOHNSON was observed leaning into a white sedan, possibly a Ford Mustang, outside of the residence. Additionally, a black Mercedes, crossover style vehicle, parked directly in front of the residence.

26. On June 5, 2019, JOHNSON again used the Facebook Live feature. During this broadcast, JOHNSON is in a motor vehicle. While driving, JOHNSON produces a plastic bag containing a green vegetative substance suspected to be marijuana. Later in the broadcast, JOHNSON positions the camera to show he has an assault style rifle in the front seat of the vehicle. It should be noted that this firearm appears to be the same firearm that JOHNSON was holding in his June 3, 2019 Facebook Live broadcast.

27. On June 5, 2019, precision location information (PLI) was obtained on cellular telephone number (314) 337-9299, which investigators were able to identify as the mobile telephone being utilized by JOHNSON. Information obtained from the PLI placed the cellular signal at the 1500 block of Agnes in St. Louis City.

28. On June 8, 2019, JOHNSON again utilized the Facebook Live feature. During this broadcast, JOHNSON retrieved a gallon sized plastic bag, which contained a quantity of a green vegetative substance suspected to be marijuana. The room used in this Facebook Live feed appears to be the same room JOHNSON broadcasted from on June 3, 2019. The items on the window ledge appear to be similar and the distinct red and white hand towel can be seen in both videos. These same hand towels were later identified in a subsequent state search warrant executed on June 12, 2019 at 1513 Agnes Street in St. Louis, Missouri.

In both the June 3 and June 8, 2019 broadcasts, a stainless-steel shower rod can be seen on the right side of the video that is resting above white tile.

29. PLI data from JOHNSON's cellular phone showed a "ping" was received on or about the same time of his June 8, 2019 Facebook Live broadcast. The data received showed JOHNSON's cellular telephone in the immediate area of 1513 Agnes Street in St. Louis, Missouri.

30. During the week of June 10, 2019, additional surveillance was conducted at the residence at 1513 Agnes Street in St. Louis, Missouri. During this surveillance, a black Mercedes (crossover style as previously indicated) bearing Illinois Fleet vehicle plates FP 55619 pulled in front of the residence. JOHNSON exited the vehicle and entered the residence at 1513 Agnes Street in St. Louis, Missouri. JOHNSON was subsequently observed exiting and re-entering the residence several times during this surveillance. A computer inquiry of the black Mercedes revealed it to be an Enterprise rental vehicle. An inquiry through Enterprise disclosed the vehicle was rented to Flora Johnson, the wife of JOHNSON. It is common for individuals involved in the distribution of illicit narcotics to obtain rental vehicles. It is also common for them to have other individuals, such as significant others, rent these vehicles for them. This allows the individual to separate themselves from the vehicle in the event of any law enforcement encounters.

31. On June 11, 2019, JOHNSON utilized the Facebook Live feature again. In this broadcast, JOHNSON is observed counting a large quantity of US currency. During the broadcast, JOHNSON references a pile of U.S. currency he has counted and states, "It's a stack of just five's. It's today's paper, last night's, and right now. These just the five's I'm counting." The camera then displays different piles of U.S. currency on a bed, which



appear to be separated by denomination. PLI information obtained during this broadcast placed JOHNSON's cellular phone in the immediate area of 1513 Agnes Street in St. Louis, Missouri.

32. On June 12, 2019, 1513 Agnes Street in St. Louis, Missouri was subjected to a state search warrant, which was determined to be the residence of JOHNSON. JOHNSON was present at the residence at the time of the execution of the search warrant. He was placed under arrest for an active parole violation and a warrant for the delivery of a controlled substance and given his *Miranda* rights. Discovered in JOHNSON's right front pocket was \$565.00 in US currency.

33. During the course of the search of 1512 Agnes Street, officers of the St. Louis Metropolitan Police Department located a Palmetto rifle with a .223 cartridge in the chamber and numerous .223 cartridges in the firearm's magazine located in a closet of the master bedroom. Additionally, in this same bedroom, \$5,950.00 was located in an orange and grey box. Previously, this orange and grey box was observed by officers in the June 11, 2019 Facebook Live video in which JOHNSON is seen counting a large sum of US currency discussing how he obtained it from his sales.

34. In a secondary bedroom which was converted into a living room on the second floor of the residence, officers located a black garbage bag. Two extended handgun magazines were located in this garbage bag. One of the extended magazines had a number of 9mm cartridges in it. During the search of this same room, officers located suspected drug paraphernalia to include several pill presses, numerous empty black and clear plastic capsules, and five (5) blenders. Also in this same room, officers located two (2) clear and

black capsules containing a white powdery substance believed to be fentanyl, one (1) .223 cartridge, and one (1) .45 cartridge.

35. On the first floor in a closet, an empty Ruger gun box, a rifle speed loader, and a rifle magazine containing three (3) 7.62 cartridges, a rifle magazine containing twenty-seven (27) .223 cartridges, and a box containing fifteen (15) 7.62 cartridges were located. Also in this closet, two (2) 7.62 cartridges and twenty-seven (27) .223 cartridges were also found.

36. During the remainder of the search, officers located a gallon sized bag containing a green vegetative substance suspected to be marijuana, pills suspected to be ecstasy, other drug paraphernalia, and various rounds of ammunition.

37. At the conclusion of the search, JOHNSON was re-advised of his *Miranda* rights. Johnson claimed that he only stayed at this residence occasionally and his wife had been seeing an unknown male and these items found during the search warrant must belong to this unknown male. JOHNSON went onto to say that he previously possessed a handgun, but he had given it to an unknown friend and no longer had possession of the handgun.

38. JOHNSON was then transported and booked at the St. Louis City Justice Center. Subsequently, officers reviewed the recorded phone calls to Flora Johnson, the wife of JOHNSON. A number of incoming calls to Flora Johnson were identified as coming from the St. Louis Justice City Center, specifically from JOHNSON. On a call occurring on June 18, 2019, JOHNSON informed Flora Johnson that officers had failed to find a blue bag during the search warrant. JOHNSON directed Flora Johnson to the location of the blue bag. When Flora Johnson located the blue bag, she stated on the recorded phone call,

“Oh my god. You’re talking about this fentayl?” JOHNSON then replied, “Yep. They ain’t get shit. Shh. Don’t say that on the phone.”

39. Approximately, two hours after this telephone call took place police officers responded to 1513 Agnes Street in St. Louis, Missouri to speak with Flora Johnson. Flora Johnson stated she located the blue bag described in the telephone call and inside it was the fentanyl. She described the fentanyl as being similar in size to a softball. Flora Johnson went on to say that an unknown male, known only as “Ruckus,” had appeared at the residence and had taken the blue bag and its contents.

**Conclusion:**

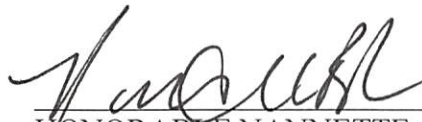
40. Based on your affiant’s training and experience and the training and experience of other veteran members of my team, the information set forth above establishes probable cause that Durrell B. Johnson engaged in narcotics trafficking in violation of Title 21, United States Code, Sections 841(a)(1), 843(b) and 846, and was a felon in possession of a firearm and ammunition in violation of Title 18, United States Code, Section 922(g), and that the above described property is subject to criminal forfeiture pursuant to Title 21, United States Code, Section 853(a), and Title 18, United States Code, Section 924(d), and

civil forfeiture pursuant to Title 21, United States Code, Sections 881(a)(6) and (11).



Thomas Strode  
Special Federal Officer  
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me this 1<sup>st</sup> day of August, 2019



HONORABLE NANNETTE A. BAKER  
United States Magistrate Judge  
Eastern District of Missouri